

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday April 12, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:04 pm.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order. Deputy Supervisor Chip Boling gave the Invocation and Chairman Farley led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley asked for approval of minutes for the Land Use meeting held on March 8, 2010.

It was moved by Committee Member C. Davis and seconded by Committee Member Callanan to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member Callanan to enter into **Executive Session** to discuss matters relating to the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

Council entered into **Executive Session** at 6:06 pm, and returned to **Regular Session** at 6:23 pm.

Chairman Farley: "Madame Attorney, would you call us out of Executive Session?"

Ms. Ewing: "Yes, Mr. Chairman. The committee went into executive session for reasons stated in the motion. No action was taken."

A. Rev. Dave Boyer, Gateway Community Church, Re: Concerns in regard to charges and permitting fees.

Reverend Boyer: "I'd like to thank the members of Council for this opportunity to address you this evening. Those of you that don't know me, my name is Pastor Dave Boyer. I'm a preacher at a rural church in the Carnes Cross Roads area of Berkeley County. I've been a resident of Berkeley County for over 40 years. I'm proud to live here. Our church is a non-denominational church and it's been on the property for over 100 years. We run several outreach ministries. One of them is a food ministry. It's a food bank. That food bank serves the citizens primarily of Berkeley County, but we don't restrict services just to the citizens of Berkeley County. We have some that come as far as Orangeburg and Clarendon County to get food at our food bank. We distribute groceries twice a month. That food bank is organized under a non-profit 501C3 that is called Gateway Open Arms. We are affiliated with the Lowcountry Food Bank. We are authorized to distribute USDA food to the citizens of the community. As we have continued for a number of years distributing food as the economy in our communities has deteriorated, the need for food has drastically increased. Approximately 18 months ago we purchased an adjoining property to the church with the express intent of allowing us to move our food bank program to that property. The property had a mobile home on it. The property as I have given you in the notes, is located at 3545 South Live Oak Drive. We purchased that property on 26 August, 2008. When we purchased the property we had no idea that we would have problems using it for what we needed it for. You see, if you look at our statistics on the sheet that I have given you, you'll find out that in 2009, our food bank, which is probably the largest in Berkeley County, distributed 180,550 lbs. of food to families that are in need. Gentlemen, that is a lot of food. You can't put that in a small space. In reality, we have Sunday School rooms and nursery facilities in the church. They are filled with food from the floors to the ceiling. We direly needed a place to put the food. But when we purchased this property 18 months ago, we were told we couldn't put the food in the mobile home that was on the property that we had bought. We were told that we couldn't put our Sunday School classes in the mobile home that was on the property that we had bought. It had to do with zoning and licensing requirements, supposedly. The church at that time, because we couldn't use the mobile home, now bear in mind that our Sunday School rooms and our nursery rooms are still full of food. Our church has been growing. We have no place to put some of our Sunday School classes. When we were told we couldn't use the mobile home, we put the mobile home up for sale. The church didn't buy the property to go into the landlord business. We didn't want to rent the mobile home out as a residence. So we offered the mobile home for sale. It was sold on the 9th of April, 2009. This January we had a contractor that worked on the Naval Weapons Station, James Hightower, found out about our food bank and donated three 14' x 32' Leonard metal storage buildings that were used on the Weapons Station for storage. They were supposed to be removed from the Weapons Station because there was no need for them and the contractor was supposed to destroy them. They are only 10 years old. They are in good condition. The contractor donated those to our non-profit with the intent that we would be able to use them for food bank storage. In January when we got the buildings I met with Berkeley County's Building Inspector. The same gentleman that told me we couldn't use the mobile home and I met with the Planning and Zoning gentleman, Mr. Greenway, and they informed me what the requirements were for us to move our

food into the food bank from the church building into these structures. A lot of these requirements I didn't understand. They didn't pass the test of common sense to me. I got on the phone and called Mr. Call who was very nice when I talked to him and he explained to me that he wasn't my Councilman and he referred me to Mr. Pinckney, who was nice and we had a good discussion. He finally got me to Mr. Schuriknight, who is my Councilman. We had a discussion and after that discussion, I was told to call Mr. Greenway back and the following week I did. I was informed that some of the requirements that the County had that I was told I would have to meet an impact fee and a green buffer zone would be waived. But there were still the requirements to have a survey done. There was still the requirements to have the Wind Load Certification with a set of plans that were going to be signed by a certified engineer. There was still a requirement to have a plat on the property showing where the buildings were located. There were also requirements that we would need of course, a licensed electrician. We wanted electrical power connected to the buildings. We would need a licensed electrician to draw out the plans. As I mentioned, we sold the mobile home. We got these buildings. We started, when we were told of these requirements, to meet them. We met the requirements in March. When we went back to County Government to get our electrical permit, we were then told that we would need to have a general contractor. A general contractor would have to have a building permit. And then under the general contractor, we could get an electrical permit to have our power hooked up to these buildings. Now, I hadn't questioned anything up to this point. But, I wasn't told by anyone that we were going to be required to have a general contractor. Because some of the items didn't make good common sense to me before, but we already met them, the survey didn't make common sense to me. We owned the property on both sides of the property line that we were conducting a survey to remove. When I spoke to the attorney that handled the closing, he said 'Pastor, you own the property on the left side of the property line?' I said 'Yes sir.' He said, 'Do you own the property on the right side of the property line?' I said 'Yes sir.' He said, 'What difference does it make?' Gentlemen, I don't know what difference it makes. It was a hoop that we had to jump through, which we did. The Leonard buildings, Leonard is a known contractor. They sell buildings throughout our state and our community. Some of you probably have one in your backyard. It's not an unusual item. So, my test of common sense, I didn't quite understand the Wind Load Certification or the licensed engineer. But, we met them. When we back to the County and they said, specifically, you have to have a general contractor, I started going into state law and county law. I've included excerpts of those laws with the handout that I have given you. I'm not going to bore you by going over them. But, both state law and county law parallel. They are almost word for word. And they say that licensing and permitting and the determination of whether a general contractor is to be used is determined by the actual cost of construction to the individual customer. Not a valuation of what the building or the structure is worth. In fact, the buildings were donated to us. So, I don't understand the requirement to have the general contractor. I've come this evening. I've already mentioned some of the questions that I have that I don't understand. I really don't understand why we couldn't use the mobile home. It is gone now. It is sold. I don't understand the survey. I don't understand the general contractor. Gentlemen, we aren't required by any denomination. We are not required by any ecclesiastical rule to distribute food to the hungry and the needy in our communities. The Lord gave us that requirement. We are trying with all of our heart to meet that requirement. We are having problems. This is 18 months that I had Sunday School classes with no place to go. I've had the buildings, but I can't move into them. I need Council to help

me to expedite the permitting process. I don't want to skip anything. I don't want to do anything than anybody else. But, I would surely like to be able to understand why we have to do what we have to do. Thank you very much for your time."

Committee Member Call: "Mr. Chairman? Can I ask a couple of questions of the Reverend Boyer?"

Chairman Farley: "All right"

Committee Member Call: "Reverend Boyer, I'm glad I was polite to you when you called. I don't remember the call, but I glad I was polite to you."

Reverend Boyer: "Well, I was in the wrong place to begin with, Mr. Call. You weren't my Councilman."

Committee Member Call: "One thing the public don't understand about these wind requirements. It is not necessarily to protect your buildings as much as it is to keep wind borne debris from going through your neighbor's picture window. That is part of the problem with the wind designing. I don't know how it affects a church, but I have a general contractor's license and I'm under the impression that an owner can get a permit but that anybody that works on the property under that permit must be licensed. I don't know if you have gotten any advice on that or not."

Reverend Boyer: "We've tried to draw the electrical permit. We have an electrical contractor that has already done the schematics."

Committee Member Call: "But, is he licensed by the State?"

Reverend Boyer: "Yes, he is."

Committee Member Call: "Well, we have to.....I'm sure Eric can help us with that. It may not apply to a church. It might just apply to a homeowner."

Reverend Boyer: "I understand the Wind Load requirements. I do understand the need to make sure that we don't have shabby buildings in the County, but what I didn't understand, Leonard is a common name, and as I said, many of you probably have them in your backyard. I think common sense is important and I think we have to consider what charities and churches and non-profits are doing to benefit the citizens of the county. I think we have to at some point, apply some kind of common sense to that to allow them to do, not to usurp the law, Mr. Call, but to do what benefits the citizens."

Committee Member Call: "I understand that. I think we are going to find out that there is probably a minimum or a maximum square footage that you can put there without having these engineering services done."

Reverend Boyer: "It's already done sir. I just don't understand the reason that it was done. It's already done. It's completed. As well as the survey, it was already done and completed."

Committee Member Call: "And the buildings are tied down according to the engineer's requirement?"

Reverend Boyer: "They have not been tied down according to the engineer's drawing. When we went to try and get the permits. We intended to tie them down. We were told we had to have a general contractor. At that point is when we dropped back and started doing our research. And that is when I asked to be put on the agenda."

Committee Member Call: "Let me defer to Mr. Greenway about that licensing requirement."

Mr. Eric Greenway, Zoning Administrator: "What is essentially occurred here is, the buildings have been placed on the property and they exceed 120 square feet of size. So, it is not a matter of just issuing an electrical permit in this particular case. We have to issue an electrical, as well as a building permit. So, you are dealing with the building permit setup and you are dealing with an electrical permit setup. Underneath the State law, the State law does indeed in local County ordinances, does indeed say that the cost of construction is actual cost of construction incurred by the people requesting the permit or by the contractors on the job. So, what do you do in a situation when someone gives individuals buildings to be relocated to a particular piece of property. It has been our interpretation in the past, that we use the Valuation Table. That we.....that you all heard about at last month's Council meeting, for the purpose of calculating permits to determine those values. In this particular case here, we did go and meet with the Pastor. We did....not sure if the Pastor was there on the property at that particular point in time. His electrical contractor and a residential builder were on the site when we arrived and we did indeed tell them that a general contractor would indeed have to pull these permits, these building permits because the value of the work would exceed \$5,000, if you look at the Valuation Tables. We do that in virtually every particular project that we have. Let me go over to this Valuation Table here. As you can it right there, typically these types of structures are S2 storage, low hazard and they are generally type 5B construction or fall into that group. As you can see there, we assess a value of that...for what the builder is given or not, of \$49.25 per square foot for the cost associated with the building of those buildings. Obviously, 14 x 30 foot buildings, if you do three of those, then the value is going to exceed that \$5,000 limit. If you exceed that \$5,000 limit and it is non-residential construction, then you have to use a general contractor in order to pull those permits. We are ready to issue the permits. We just need someone to come in with a general contractor's license and apply for the permit. That is essentially where we are at this particular point in time. Let me address something about the property line issue and the survey. Previously, this property was indeed, if you look at the bottom picture on your screen that is in color, you can see a little right-of-way that runs along the edge of the property between a dwelling and the church. That is essentially where the property line was. The buildings were placed on that particular piece of property. A food bank in the Zoning Code is not listed as an accessory use to a church. So, that is what I have to go by in

order to determine situations. It says, 'The following uses are permitted as accessory uses within the R-2, Manufactured Residential District.' If you look at that, nowhere does it list a warehousing for a food bank or storage for a food bank or anything like that as an accessory use. However, item 8, underneath that code, says 'Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the Planning Department as a means of ensuring land-use compatibility.' I used that provision in this particular case to say that if we could get the buildings on the same piece of property as the church, then I could then say that would be something that I could go with as being customarily associated with a church. They are there to help people for a variety of needs and things and emergency services is one of the things that you would typically find in a church. But an accessory use has to always be incidental to the primary use on the property. There was no primary use on the property when it was a separate lot. So, that is why I required that the property line to be removed, so that we could get the use on the same piece of property as the church so that I could issue the permit. That is essentially it in a nutshell. These are the buildings here. They are there. They were placed there without permits. And the Code says that if you do work or place buildings on a piece of property without permits, then the Permitting Office can double your fees. We do not plan to do that in this particular case. We are trying to just get the thing in compliance. Give you an example of another situation. We require this of anyone. This is the Wassamassaw Recreation Center Food Bank that was just permitted a few weeks back. I required them to do a site plan. They were required to submit design drawings showing that this modular classroom would meet those D Seismic and 120 mph, 130 mph wind load requirements and that had a general contractor, Tupper Contracting, to pull their permit as you can see there on the site plan. We, again, the building was given to them. You can our valuation summary there. S2 storage, low hazard. That building, I don't know that anyone would agree, that that building would carry a value of \$36,000, but because we have to use that Valuation Table for determining the permits under Berkeley County law. That's what the Valuation Table says that amount came up to for the purposes of doing the permit calculation. Those folks paid a permit, plan review and impact fee, transportation impact fee, in the amount of \$835 to the County and I think that permit was issued some time last month. They are out there working on it currently. So, we are trying to be consistent. Trying to assist the church as much as I could and stay and maintain the integrity of our Codes and ordinances. I don't know a way around the general contractor rule. That is not my rule. That's a State rule. Anyone can pull any kind of permit for up to \$5,000 worth of work. If the value is over that and it is non-residential, then a general contractor has to pull that permit. We are willing to assist the church any way that we can. To do that, we have I feel like we have assisted them to the extent that we are allowed to assist them under the law. I would agree with you that many times the laws that I have to enforce do not make common sense, but I have to enforce them and that is what I am here to do and that is what I am going to do as long as I am here."

Committee Member Schurlknight: "Mr. Chairman?"

Chairman Farley: "Yes, Mr. Schurlknight?"

Committee Member Schurlknight: "Eric, first thing that I want to say, Pastor Boyer, I appreciate you coming in tonight and going over the situation with us and I totally agree with you. Eric, is there anything that we can do, within the law, to go back, look at what we can do or is there anything that you can think of from a Planning standpoint that we could change or, you know, my first thought is with the food banks, the 501C3's, it seems like there should be some kind of exemption for those. Will it take this governing body to make an exemption to that or will State regs keep us from doing that?"

Mr. Greenway: "I don't know that you want to get into making exemptions for folks. I certainly, in a case like this, there is one other provision in the Code from a building valuation standpoint. We use it based on the type of construction. There is a provision in the Code that says that if it is an accessory structure, then we can use the amount of \$30 a square foot, instead of the \$49 that we used for the Wassamassaw Rec Center. That will reduce the fees somewhat. Still the value of those structures would be over \$5,000 and still a general contractor would have to pull those permits. Does not mean that the general contractor has to do the work. They have to be the ones to pull the permits."

Committee Member Schurlknight: "How much in fees are we looking at for this to pull those permits?"

Mr. Greenway: "I don't know what the total square footage is, but I think that with that structure right there, you are looking at \$205 permit fees, so you are probably looking at \$240 - \$250 in permit fees plus the Comprehensive Plan Review fee, which would be half of that. So you are probably looking at \$3 - 400 in permits and plan review fees here."

Committee Member Schurlknight: "That is for all three of the buildings?"

Mr. Greenway: "Yes sir."

Committee Member Pinckney: "Mr. Chairman?"

Chairman Farley: "Yes, Mr. Pinckney."

Committee Member Pinckney: "Eric, you mentioned something about the evaluation fees and therefore you had to use them to come up with the bottom line figure. Do we have any latitude when it comes to the evaluation fees as far as, uh, making them a little more, uh, in line with the actual cost of the building that we are talking about?"

Mr. Greenway: "Yeah, there is a couple of things there, if you will look at Section 11.68 right there on your screen, it says payment of fees valuation tables. The permit applicant prior to the issuance of said permit, shall pay all fees and any inspection services which are prescribed under the applicable codes attached hereto. Such fees shall be based on the most recent valuation tables as recommended by the ICC. These valuation tables will be updated annually on July 1, the beginning of Berkeley County's fiscal year. The Chief Building Official shall set the final building permit valuation. I do not currently have a Building Official. I have an Acting

Building Official. In my ability to act on behalf of that, then if you guys tell me what value you want me to set, then I will be glad to entertain and consider that value. But I do want to be consistent here and if we grant relief in this particular case, I would also want to go back and grant that same relief to the Wassamassaw Rec Center who had to do the same thing and pay the fees.”

Committee Member Pinckney: “And you know, here again, we are not asking you to, um, do anything that is out of round or anything. Quite honestly, I don’t have those kind of expertise, so we’re relying on your experience and expertise to actually come up with a valuation table that would be....”

Mr. Greenway: “There are two problems with the valuation table. It used to be that you could use what was called a local cost modifier. Mr. Call may remember this. Currently the way it’s written, we use the same construction cost as it cost to build a building in Texas or California or Nevada or anywhere else based on square footage. There used to be provisions in there that says if you are in the southeastern region, you deduct so much per square foot from this cost cause the cost is less. Several years ago the Building Council took that out of the Code. They no longer allow that. So that is one problem. The other problem is that, you know, you got to have something to base your permit fees on. If you don’t then you’re going to just invite more and more of this type of thing in there if I have to start getting into trying to figure when and when it’s not appropriate to use the valuation table. It is the best thing that we have to go with right now. We could use a contract amount. But the contract of zero is zero, if the buildings were donated. We have got to issue a building permit. There is no contract amount here on these buildings. And we use these same figures for anyone, whether it is a church setting up a storage building and if it is a person putting one of these storage buildings in his backyard. We use these valuation tables. In a residential situation, we use the \$30 per square foot as the basis for determining the value. So that is what I am willing to use, is the \$30 per square foot. But I’m not willing to go less than that because I think there is some value here and I think in order to be consistent, we need to set that value in a range that makes sense and since it is an accessory structure, then I am willing to use that amount.”

Committee Member Pinckney: “OK, thank you.”

Chairman Farley: “Thank you Eric. Anymore questions? We will proceed to the next item on the agenda. I hope, Eric, that you can come up with anymore ideas or if we can, whatever we can do.”

Committee Member Schurlknight: “Mr. Chairman?”

Chairman Farley: “Mr. Schurlknight.”

Committee Member Schurlknight: “Just one thing before we leave. Pastor Boyer, can I ask you step back up just one second please? The time frame at the stuff we are looking at here. What I would like to do is ask Eric to go back and look and let’s just see exactly what we can do to help. What kind of time constraints are you on, Pastor?”

Reverend Boyer: "I want to get food in those buildings as quickly as I can. I'm almost to the point of having to look at some kind of modification to our distribution or the food we have. We are just literally strained by the situation that we have. I understand that this looks like a small problem, but to us it is not a small problem."

Committee Member Schurlknight: "Right, exactly. And um, I would like if I can give you a call, maybe tomorrow and let me talk with you a little bit cause I would like to talk to Eric a little bit and just see exactly what we can do, if maybe we can set something up. We can all kinda get our heads together and look at both sides and see if we can come some, something we can live with on that. But, I will give you a call tomorrow, if that will be ok?"

Reverend Boyer: "Thank you very much."

Chairman Farley: "Thank you, Mr. Boyer."

B. Consideration prior to First Reading of the following:

1. Request by Jeffery Moorer for Norman and Mary Laskey, located approximately 2,340 L. F. east of the intersection of South Live Oak Drive and Cypress Gardens Road, Moncks Corner, **TMS #210-00-00-126** (10.35 acres), **from GC, General Commercial District to HI, Heavy Industrial District**. Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended **DENIAL**]

Mr. Greenway: "This particular piece of property is located on Cypress Gardens Road. Mr. Moorer has requested to rezone the property from General Commercial to Heavy Industrial for the purpose of being able to operate a business utilizing open storage. The property is surrounded on three sides by HI and an electric easement, paralleling a golf course. Staff felt that those adjacent land uses with the buffering and fencing that would be required for him to utilize this property for open storage, that we would have adequate protection for this to be a suitable land use for the area, so we recommended approval. The Planning Commission on the other hand, did not see the picture that way. They felt that the uses would create some problems for the Lazy Hill and the Blackstone neighborhood and they recommended denial of our request.

Committee Member Callanan: "Mr. Chairman?"

Chairman Farley: "Yes sir"

Committee Member Callanan: "I just want to let folks know, that if this is on their minutes or not, just keep in mind that our agendas are incorrect. It shows that the Planning Commission recommended approval on it and the recommended denial."

Mr. Greenway: "Ms. Austin provided you all with an amendment to that, correcting that recommendation."

Committee Member Callanan: "OK, thank you"

Chairman Farley: "What's the pleasure?"

Committee Member Callanan: "Move for approval"

Committee Member Schurlknight: "I'll second that"

Chairman Farley: "I have a motion and a second. Any discussion?"

Committee Member Schurlknight: "Yea, Mr. Chairman. Um, what I would like to do is...I'll go ahead and second to move it forward, but I would like to talk with some of the residents of Lazy Hill and I will get with them and make sure that everybody understands what's going on."

Chairman Farley: "All right. I have a motion and a second. Any more discussion? All in favor? (Ayes) All opposed? (None) Motion moves forward."

It was moved by Committee Member Callanan and seconded by Committee Member Schurlknight to **approve** prior to **First Reading** the **Request by Jeffery Moorer for Norman and Mary Laskey**. The motion passed by unanimous voice vote of the Committee.

2. Request by Mark Wysong for multiple owners in Cainhoy Plaza "HPR", located at 2126 Cainhoy Road, Huger, TMS #248-05-01-001 through 248-05-01-028 and all common P.O.A areas (3.0 +/- acres), **from RNC, Rural & Neighborhood Commercial District to LI, Light Industrial District**. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

It was moved by Committee Member S. Davis and seconded by Committee Member Callanan to **approve** prior to **First Reading**, the **Request by Mark Wysong**. The motion passed by unanimous voice vote of the Committee.

3. An ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and amending Ordinances No. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, 07-07-43, and 08-10-63 **in regard to the proposed overlay district for Pimlico Subdivision with map**.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway: "Yes, this request is to amend an existing overlay district that applies to the Pimlico area as you see on the map there on the screen. The original Pimlico overlay was adopted in October of 2008. That particular overlay has for a variety of reasons been

controversial since it was adopted. The.....since that time and those concerns were raised and my arrival here in Berkeley County, I have been working diligently with the developer and the neighborhood to resolve the concerns associated with this particular overlay. The neighborhood has been very receptive to a lot of issues that the developer and the concerns that the developer has. The developer has been very receptive to a lot of the concerns and issues of the neighborhood. I say all of that to basically say that we bring before you an amendment this evening that basically has satisfied both sides of the developer and the neighborhood. We have some concerns at the staff level about an overlay being utilized in this particular case. However, instead of going back and trying to repeal an overlay and doing some other rezoning to satisfy everyone, we feel that this is the most effective and efficient way to deal with the situation. Therefore, we recommended approval. Other requests to the Planning Commission. The Planning Commission agreed with the Staff and they recommended approval of the amendment. This amendment creates lot size flexibility, provides additional protection on uses and grants some setback flexibilities over the previous overlay that was established. And that is all I have unless you all have any questions.”

Committee Member Callanan: “Mr. Chairman?”

Chairman Farley: “Yes sir, Mr. Callanan.”

Committee Member Callanan: “I want to uh, take some time to thank the parties involved here because I don’t know if uh, you all recall about a year ago, um, there was not a lot of trust between the parties here, uh, and Eric, Ed, the developers, the Planning Commission, the work that ya’ll have done to work out all of the rough edges on this should be commended. The fact that we have come to a solution that everybody is happy with is, I think phenomenal and shows in my opinion government working at its best so, thank you very much and with that I recommend approval.”

Committee Member Fish: “Second”

Chairman Farley: “I have a motion and a second. Any more discussion?”

Committee Member Call: “Mr. Chairman?”

Chairman Farley: “Yes Mr. Call?”

Committee Member Call: “I know this is a petty thing. Would you read that number 05-08-58 into the record again? I think you called that 56. Or am I looking a sheet.....”

Chairman Farley: “Do you have 08-10-63?”

Committee Member Call: “The fifth number in the line 08-0.....05-08-58.”

Chairman Farley: “05-08-58”

Committee Member Call: "Right"

Chairman Farley: "I have a motion and a second. Is there any more discussion? All in favor? (Ayes) All opposed? (None) Motion carries."

It was moved by Committee Member Callanan and seconded by Committee Member Fish to **approve** prior to **First Reading**, an **ordinance** to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and amending Ordinances No. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, 07-07-43, and 08-10-63 in regard to the proposed overlay district for Pimlico Subdivision with map. The motion passed by unanimous voice vote of the Committee.

C. Review prior to **Second Reading** of the following:

1. **Bill No. 10-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco**, located at intersection of Rose Drive, Turtle Pond Road, and U.S. Highway 17A, Summerville, TMS #221-00-00-137, -062, -083, -092, -087, -089, -145 and #221-16-01-019, -020, -022, -038 (47.91 acres), **from R-1, Single Family Residential District; R-2, Manufactured Residential District; GC, General Commercial District; and OI, Office and Institutional District to PDMU, Planned Development-Mixed Use District.** Council District No. 4.

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** prior to **Second Reading**, **Bill No. 10-05**. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 10-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Wash & Lizzie Johnson**, 1727 County Line Road, Cross, TMS #051-00-00-010 (2.40 acres), **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to **Second Reading**, **Bill No. 10-06**. The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 10-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ashley Surveying for Coleman Dangerfield**, 271 Lazy Hill Road, Moncks Corner, Portion of TMS #196-00-00-037 (53 +/- acres), **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District.** Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Second Reading**, **Bill No. 10-07**. The motion passed by unanimous voice vote of the Committee.

4. Bill No. 10-08, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lewis Mills**, 2325 North Highway 17-A, Bonneau, **TMS #087-00-04-059** (0.50 acres), **from RNC, Rural & Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member Pinckney to **approve** prior to **Second Reading, Bill No. 10-08**. The motion passed by unanimous voice vote of the Committee.

D. Review prior to **Third Reading** of the following:

1. Bill No. 10-03, an **ordinance** to add and amend certain sections of **Ordinance No. 04-11-68**, adopted November 23, 2004, which amended Ordinance No. 01-8-35 adopted August 27, 2001, and Ordinance No. 02-8-33 adopted August 26, 2002, Zoning and Development Standards Ordinance, **“Berkeley County Zoning Ordinance”**.

Committee Member Schurlknight: “Mr. Chairman? Can you refresh our memory on this one?”

Chairman Farley: “Eric, can you bring everybody up to speed on this one?”

Ms. Ewing: “This is the unclean lots and land that Council wanted us to put back in the zoning ordinance so that we go and clean the unclean lots and land.”

Committee Member Schurlknight: “Good, ok thank you”

Chairman Farley: “Is that a second?”

Committee Member Schurlknight: “Yes:

Chairman Farley: “I have a motion and a second. Is there any discussion? All in favor? (Ayes) All opposed? (None) Motion carries.”

It was moved by Committee Member Fish and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 10-03**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 10-04, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michelle Cooper for Lois Dangerfield**, located near 668 Broughton Road, Moncks Corner, **TMS #122-00-03-145** (40.74 acres), **from F-1, Agricultural District to PDMU, Planned Development Mixed Use District**. Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **Third Reading, Bill No. 10-04**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 7:04 pm.

May 11, 2010
Date Approved

CORRECTION

COMMITTEE ON LAND USE (Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday April 12, 2010, at 6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

CORRECTION:

B. Consideration prior to **First Reading** of the following:

1. Request by **Jeffery Moorer** for **Norman and Mary Laskey**, located approximately 2,340 L. F. east of the intersection of South Live Oak Drive and Cypress Gardens Road, Moncks Corner, **TMS #210-00-00-126** (10.35 acres), **from GC, General Commercial District to HI, Heavy Industrial District.** Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended **DENIAL**]

April 8, 2010
S/Barbara B. Austin, CCC
Clerk of County Council

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

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AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES

March 8, 2010

A. Rev. Dave Boyer, Gateway Community Church, Re: Concerns in regard to charges and permitting fees.

B. Consideration prior to First Reading of the following:

1. Request by Jeffery Moorer for Norman and Mary Laskey, located approximately 2,340 L. F. east of the intersection of South Live Oak Drive and Cypress Gardens Road, Moncks Corner, TMS #210-00-00-126 (10.35 acres), from GC, General Commercial District to HI, Heavy Industrial District. Council District No. 6.

[Staff recommended approval]

[Planning Commission recommended approval]

2. Request by Mark Wysong for multiple owners in Cainhoy Plaza "HPR", located at 2126 Cainhoy Road, Huger, TMS #248-05-01-001 through 248-05-01-028 and all common P.O.A areas (3.0 +/- acres), from RNC, Rural & Neighborhood Commercial District to LI, Light Industrial District. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

3. An **ordinance** to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and amending Ordinances No. 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, 07-07-43, and 08-10-63 **in regard to the proposed overlay district for Pimlico Subdivision with map.**

[Staff recommended approval]

[Planning Commission recommended approval]

C. **Review prior to Second Reading** of the following:

1. **Bill No. 10-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco**, located at intersection of Rose Drive, Turtle Pond Road, and U.S. Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -089, -145 and #221-16-01-019, -020, -022, -038** (47.91 acres), **from R-1, Single Family Residential District; R-2, Manufactured Residential District; GC, General Commercial District; and OI, Office and Institutional District to PDMU, Planned Development-Mixed Use District.** Council District No. 4.

2. **Bill No. 10-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Wash & Lizzie Johnson**, 1727 County Line Road, Cross, **TMS #051-00-00-010** (2.40 acres), **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 7.

3. **Bill No. 10-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ashley Surveying for Coleman Dangerfield**, 271 Lazy Hill Road, Moncks Corner, Portion of **TMS #196-00-00-037** (53 +/- acres), **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District.** Council District No. 6.

4. **Bill No. 10-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lewis Mills**, 2325 North Highway 17-A, Bonneau, **TMS #087-00-04-059** (0.50 acres), **from RNC, Rural & Neighborhood Commercial District to F-1, Agricultural District.** Council District No. 6.

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2. **Bill No. 10-04**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michelle Cooper for Lois Dangerfield**, located near 668 Broughton Road, Moncks Corner, **TMS #122-00-03-145** (40.74 acres), **from F-1,**

Agricultural District to PDMU, Planned Development Mixed Use District. Council District
No. 8.

April 7, 2010
S/Barbara B. Austin, CCC
Clerk of County Council